

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**In re:**

**STEPHAN LORING BATTON  
AKA STEVE BATTON,  
  
DEBTOR.**

**CHAPTER 13**

**CASE NO. 21-70827-SCS**

**OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

**NOTICE**

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)**

**IF YOU DO NOT WISH THE COURT TO SUSTAIN THE OBJECTION SOUGHT HEREIN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE OBJECTION, THEN YOU MUST ATTEND THE HEARING ON THIS MATTER. OTHERWISE, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ISSUE AN ORDER SUSTAINING THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.**

**THE HEARING IS SCHEDULED TO BE HELD ON JULY 8, 2021, AT 9:30 AM AT THE UNITED STATES BANKRUPTCY COURT, JUDGE ST. JOHN'S COURTROOM, 600 GRANBY STREET, 4TH FLOOR, COURTROOM 1, NORFOLK, VA 23510.**

**COMES NOW**, Daniel J Hohman ("Secured Creditor"), by Counsel, and objects to the confirmation of the Chapter 13 Plan (the "Plan") and in support thereof, represents unto the Court:

1. Secured Creditor has a claim against the property of the Debtor located at 5428 Club Head Road, Virginia Beach, VA 23455 by virtue of the Note and accompanying Deed of Trust.
2. The Proof of Claim (Claim 5-1) filed by this Secured Creditor establishes a total debt of \$323,159.65 due as of April 19, 2021, including pre-petition arrears of \$12,622.13.
3. The Plan is underfunded, as the arrearage owed to this Secured Creditor is understated, with the Plan providing for only \$6,000.00 in pre-petition arrears.
4. The Plan is not feasible as with a proposed payout of only 1% to unsecured creditors, there is insufficient funding for payment of the pre-petition arrears owed to Secured Creditor.
5. Debtor's monthly gross income upon which the plan relies appears to be

speculative in nature.

6. Debtor, pursuant to the terms of the loan documents, was responsible for direct payment of all real estate taxes incident to the subject property as well as to maintain and pay for hazard insurance.

7. Debtor has failed to pay the real estate taxes.

8. Debtor has failed to produce evidence of hazard insurance on the property despite a request made to Debtor's counsel for same.

9. Debtor has failed to pay the first post petition payment due on May 1, 2021 with an inquiry being made by Debtor for payment instructions as Debtor indicated he had changed bank accounts. Secured Creditor's account information for payments remains unchanged.

10. Based upon the foregoing, it does not appear that Debtor's proposed Chapter 13 Plan is feasible nor does it appear that Debtor is proceeding in good faith. It is respectfully requested that this Court deny confirmation of the Plan.

**WHEREFORE**, the undersigned requests as follows:

1. That confirmation of the proposed Plan be denied;
2. Debtor be required to modify the Plan to honor the terms and conditions of the Deed of Trust; and
3. For such other relief as this Court deems proper.

Daniel J Hohman

By: /s/ D. Carol Sasser

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CERTIFICATE OF SERVICE

I certify that on May 12, 2021, the foregoing Objection was served via CM/ECF on R. Clinton Stackhouse, Jr., Trustee, and Timothy Roy Douglass, Counsel for Debtor, at the email addresses registered with the Court, and that a true copy was mailed via first class mail, postage prepaid, to Stephan Loring Batton, Debtor, 5428 Club Head Road, Virginia Beach, VA 23455.

**/s/ D. Carol Sasser**

D. Carol Sasser, Esquire  
Samuel I. White, P.C.